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Court : Rajasthan

Decided On : Nov-07-1986

Reported in : 1986WLN(UC)724

Judge : Shyam Sunder Byas, J.

Appeal No. : S.B. Civil Writ Petition No. 1870/86

Appellant : Ajit Singh

Respondent : State of Rajasthan

Disposition : Petition dismissed

Judgement :

Shyam Sunder Byas, J.

1. The petitioner is the Sarpanch of Gram Panchayat, Bhunas district Bhilwara since December, 1981. In this writ petition, he prays for quashing the order Ex. 5 dated June 17, 1986 and Ex. 8 dated August 28, 1986 by which inquiry was initiated against him and he was put under suspension by the State Government.

2. The impugned orders were challenged on two grounds (1): there is no material to initiate an inquiry against him and (2) the Minister (respondent No. 2), who passed these orders, had a bias against him because the petitioner had failed to oblige him in respect of the appointment of his son and brother in the Gangapur

Co-operative Spinning Mills Ltd., Gangapur, which is a public undertaking establishment.

3. As regards ground No. 1, it may be recalled that a preliminary inquiry was conducted against the petitioner and the Collector submitted a report against him under Rule 20 of the Rajasthan Panchayat and Nyaya Panchayat (General) Rules, 1961. Thereafter the State Government drew up the statement of charges Ex 5 A on June 17, 1986. The petitioner was issued a notice calling upon him to show cause as to why the charges should not be inquired into. The petitioner submitted his reply Ex. 6 on July 27, 1966. The State Government, thereafter issued order Ex. 8 on August 28, 1986 putting the petitioner under suspension and restraining him from taking part in any act of proceeding of the Panchayat while under suspension. In view of these admitted facts, and the law laid down by a Division Bench of this Court in Bajranglal v. State of Rajasthan 1981 RLW 355, the learned Counsel for the petitioner did not challenge the impugned orders on ground No. 1. In Bajrangla v. case, it was held by this Court that if the order of suspension is passed after a charge sheet is issued and the reply has been received and the reply has been taken into consideration, the order of suspension is free from taint and should be maintained.

4. Coming to the ground No. 2, it was stated by the petitioner that at the relevant time, he was one of the Directors of the Mills and was also a Member of the Selection Committee of the said Mills. Respondent No. 2 approached him and sought the petitioners's help for the appointments of his son and brother in the aforesaid mills. It was further stated in the writ petition that as they had no requisite qualifications for the posts, he failed to oblige respondent No. 2. It was further stated that when the election of Sarpanch took place, respondent No. 2 approached the petitioner and asked him to support his (respondent No, 2) candidate Shanker Lal. The petitioner did not oblige, him and contested the election, in which he came out successfully. It was alleged that on account of these two reasons, respondent No. 2, who was holding the port-folio of Panchayat Rajya and Community Development, passed the impugned order clause 8 putting him under suspension. Allegation No. 1 relating to appointment is a serious one and in case there is some basis to show its existence the petitioner has a good

case for admission. Unfortunately, in his earlier affidavit Annexure (R. 1) which he filed on July 4, 1985 in S.B. Civil Writ Petition No. 1051/1985 (Rampal Agarwal v. State of Rajasthan and Ors.) at Jaipur Bench, he stated just the contrary things, in Annexure R 1, he stated that respondent No. 2 brought no pressure on him and other Members of the Selection Committee directly or indirectly for recruitment or employment of any of his relatives in the mills (vide para 5 of affidavit Annexure R. 1). The petitioner attempts to avoid his affidavit R. 1 on the ground that he filed it at the instance of respondent No. 2. He did not disclose this fact in the writ petition. He concealed that fact. He came out with this allegation for avoiding the affidavit R 1 when Annexure R 1 was filed by respondents in this writ petition. The petitioner's case of mala-fides, thus, crumbles down on account of his contrary allegations made by him in his earlier affidavit Annx. R 1. Apart from that, respondent No 2 has filed his affidavit denying all the averments of malafides made against him by the petitioner. There is, thus, no material on record to show the malafides on the part of respondent No. 2, even at a far distant horizon. The petitioner stands contradicted by his own earlier affidavit. More over, there is the affidavit of respondent No. 2 controverting the allegations of malafides. It is also pertinent to note that in the writ petition the particulars of malafides as to when and where respondent No. 2 approached the petitioner to seek his help for the appointment of his son and brother have not been mentioned. The general allegation is there without any particulars.

5. As regards the allegation that Shanker Lal was the candidate of respondent No. 2 in the Panchayat Election and respondent No. 2 approached the petitioner with an advice not to contest the election, there is again no material. Respondent No. 2, in his reply, has denied that he ever approached the petitioner and advised him not to contest the election for the post of Sarpanch.

6. It is very easy to make reckless allegation of malafides. It is, therefore, required that malafides must be shown by cogent material on record. There is absolutely no material even to show a far distant existence of malafides on the part of the respondent No. 2.

7. It appears that there was a news item Ex. 9 published in 'Rajasthan Patrika' on August 31, 1986. In that writ petition, aspersions of malafides were made against respondent No. 2. It appears that thereafter it became a routine for the affected persons to make allegations of malafides against respondent No. 2. At least, in the present writ petition, allegation of malafides has been made recklessly. It is unfounded as the petitioner has failed to put any material in support of it.

8. For the reasons stated above, I find no case for admission of this writ petition. It is, therefore, summarily dismissed.

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